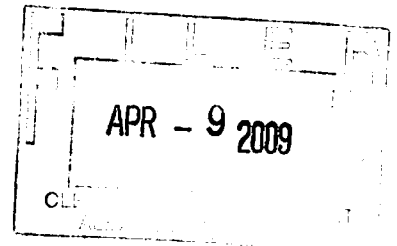


**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**



**BOARD OF TRUSTEES, SHEET
METAL WORKERS' NATIONAL
PENSION FUND, et al.,
Plaintiffs,**

v.

**NFG MUKILTEO LLC,
d/b/a Northwest Sheet Metal,
Defendant.**

Civil Action No. 1:08cv1152

JUDGMENT ORDER

Upon consideration of the March 20, 2009, Report and Recommendation of the United States Magistrate Judge designated to conduct a hearing in this matter, no objections having been filed, and upon an independent *de novo* review of the record, it is hereby **ORDERED** that the Court adopts as its own the findings of fact and recommendation of the United States Magistrate Judge, as set forth in the March 20, 2009, Report and Recommendation.

Accordingly, it is hereby **ORDERED** that judgment is **ENTERED** by default in favor of plaintiffs and against defendant in the total amount of \$170,460.88.¹

It is further **ORDERED** that defendant file prompt remittance reports and make all payments due to plaintiffs for all periods for which it is obligated until the expiration of the current collective bargaining agreement and any extensions thereto.

¹ Although the Magistrate Judge recommends entry of judgment in the amount of \$170,460.85, the record reflects that the correct calculation for the total judgment amount is \$170,460.88, a *de minimus* difference of .03.

It is further **ORDERED** that defendant, within twenty (20) days of the date of this Order, permit plaintiffs to conduct an audit of defendant's wage, payroll and personnel records for all periods for which defendant is obligated to make contributions under the current collective bargaining agreement, and if such audit reveals unreported hours and that additional contributions are due, defendant is **DIRECTED** to pay promptly all additional unpaid contributions, interest and liquidated damages, as well as the costs of the audit.

It is further **ORDERED** that defendant, its officers, agents, servants, employees, attorneys, and all persons acting on defendant's behalf or in conjunction with defendant are **RESTRAINED** and **ENJOINED** from refusing to file complete, proper, and timely remittance reports with accompanying contributions for all periods for which defendant is obligated to do so under the current and future collective bargaining agreements.

The Clerk is **DIRECTED** to enter judgment pursuant to Rule 58, Fed. R. Civ. P. and to place this matter among the ended causes.

The Clerk is further **DIRECTED** to send a copy of this Judgment Order to defendant, the Magistrate Judge and all counsel of record.

Alexandria, VA
April 9, 2009



T. S. Ellis, III
United States District Judge